

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:03CR679 CDP
)	
CLEVELAND L. WILSON,)	
)	
Defendant.)	

ORDER

On March 9, 2009 the Court of Appeals remanded this case to this court for the limited purpose of allowing the court to determine whether Wilson's untimely notice of appeal was due to excusable neglect or good cause, and if so, to determine whether the time for filing his notice of appeal should be extended.


On March 10, 2009, I entered an Order directing defendant Wilson, by April 10, 2009, to state the reasons why his notice of appeal was not timely filed. The order was mailed to Wilson at his place of incarceration, and the Clerk has verified with the Bureau of Prisons that he is still at that location. Wilson did not respond to the Order.

I thus have no basis to determine that the notice of appeal was filed late because of excusable neglect or good cause. As Wilson was ordered to explain the delay and has failed to respond, and as it would be his burden to show that the

time to appeal should be extended, I must conclude that the delay was not caused by excusable neglect or good cause. Accordingly,

IT IS HEREBY ORDERED that this Court determines that the untimeliness of Wilson's appeal was not caused by excusable neglect or good cause.

IT IS FURTHER ORDERED that the Clerk of Court shall certify this finding to the Court of Appeals as required by the March 9, 2009 order.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of May, 2009.